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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

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Docket Management Facility
USCG-2003-14273 - 44
U.S. Department of Transportation
Room PL-401
400 Seventh St. SW
Washington, DC 20590-0001

To Whom It May Concern:

The purpose of this letter is to comment on the scope of the Programmatic Environmental Impact Statement (PEIS) for the proposed regulatory action to establish a ballast water discharge standard. The following comments are submitted by the Michigan Department of Environmental Quality (MDEQ) on behalf of the state of Michigan, with input from the Michigan Department of Natural Resources (MDNR).

Michigan is very concerned about the rapid increase in the rate of non-native aquatic species' introduction and supports an aggressive approach to prevent further proliferation. As managers of the largest proportion of the Great Lakes, it is our responsibility to protect these valuable resources for future generations to use and enjoy. For example, Michigan ranks fourth in the nation for the number of resident and nonresident anglers, and collectively they contribute billions of dollars annually to our economy. It is imperative to preserve the Great Lakes' current level of biotic integrity as past introductions, through relatively unregulated ballast exchange, continue to threaten this integrity and negatively impact our citizens' quality of life.

Michigan requests that the PEIS be placed in a high priority, expedited process that reflects the urgency of protecting the Great Lakes from new invasions of aquatic nuisance species. The U.S. Coast Guard has been working on the process of determining ballast water discharge standards since the passage of the National Invasive Species Act in 1996, reauthorizing the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990. As a first tier environmental review, the PEIS should be completed quickly to allow for more substantive action to occur in a timely manner. The MDEQ is concerned that no timeline for finalizing the PEIS is presented in the Notice of Intent with Request for Comments published in the Federal Register.

The three alternative standards presented are basically sterilization, partial treatment, or no action with continued reliance on ballast water exchange. While this covers a broad scope of possible actions, no information concerning how standards would be implemented is presented for comment. Implementation is an integral part of a standard; therefore, the PEIS should include information about how proposed alternatives would be applied and compliance verified.

Addressing the environmental impacts of ballast water treatment methods should not be as complex an undertaking as the proposed PEIS appears. Great Lakes discharge standards already protect for designated uses including: aquatic life, wildlife, water supply, recreation, and human health. If the ballast water treatment technology cannot meet those discharge standards, it cannot be approved. Further, the definition of "environmentally sound" should

include more than non-chemical treatment methods. For example, if a chemical is effective, safe, and can be neutralized to meet regulatory discharge standards, it should be acceptable for use as a ballast water treatment.

Ballast water exchange should not remain as an option or comparison. It is not a treatment or a standard. It is a management practice with many safety and effectiveness concerns. As a standard, it would not be protective of the Great Lakes from either ocean-going or non-ocean-going ships' ballast water. Best management practices for ballast water included as part of implementing a standard should be made as restrictive as necessary to achieve the standard.

We encourage a timely approach to evaluate the three proposed alternatives so action can be taken as quickly as possible. We also express frustration that after decades of relatively unregulated ballast discharge, the process of federal evaluation of standards is only now beginning and implementation of proactive regulation is still years away.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact Dr. Roger Eberhardt, Michigan Office of the Great Lakes (OGL), at 517-335-4227, or eberharr@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "SE Chester", written over a horizontal line.

Steven E. Chester
Director
517-373-7917

cc: Mr. K.L. Cool, Director, MDNR
Mr. James Dexter, Acting Chief, Fisheries Division, MDNR
Mr. Todd Grischke, MDNR
Mr. Ken DeBeaussaert, OGL
Mr. Stanley Pruss, MDEQ
Mr. Richard Powers, MDEQ
Mr. Barry Burns, MDEQ
Dr. Roger Eberhardt, OGL